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October 6, 2000

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

VIA HAND DELIVERY

Magalie Roman Salas, Esq.
Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554

Re: Written *Ex Parte* Presentation
Amendment of the Commission's Rules With Regard to the 3650-3700 MHz Government Transfer Band, ET Docket No. 98-237

Dear Ms. Salas:

Pursuant to Section 1.1206 of the Commission's Rules, ASTROLINK International LLC hereby submits the attached written *ex parte* presentation in connection with the above-referenced proceeding. The attached letter was sent via facsimile to Julius Knapp, Tom Tycz, Ron Repasi, Rodney Conway, Jennifer Gilsenan and Karl Kensinger of the Commission's staff on October 5, 2000, prior to the release of the agenda for the Commission's upcoming meeting.

In accordance with Section 1.1206, an original and one copy of this letter and attachment are being submitted to the Secretary's office for association with the above-referenced docket. Should any questions arise with respect to this matter, kindly communicate with the undersigned.

Respectfully submitted,

Carlos M. Nalda

Carlos M. Nalda
Counsel for ASTROLINK International LLC

Attachment
cc: Julius Knapp
Tom Tycz
Ron Repasi
Rodney Conway
Jennifer Gilsenan
Karl Kensinger

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October 5, 2000

VIA FACSIMILE

Mr. Julius Knapp
Chief, Policy & Rules Division
Office of Engineering and Technology
Federal Communications Commission
Washington, D.C. 20554

Re: Amendment of the Commission's Rules With Regard to the 3600-3700 MHz Government Transfer Band, ET Docket No. 98-237; and
Application for Authority to Modify the Astrolink System Authorization, File Nos. SAT-MOD-19971222-00220 and SAT-AMD-20000801-00116

Dear Mr. Knapp:

I am writing to you on behalf of ASTROLINK International LLC ("Astrolink"), a U.S. Ka-band satellite licensee, to ensure that upcoming Commission action in ET Docket No. 98-237 will facilitate, among other objectives, grant of Astrolink's longstanding request to utilize a small amount of extended C-band spectrum to perform TT&C functions from a single earth station located in the United States. Specifically, Astrolink requests that the Commission's item in ET Docket No. 98-237 include a provision to grandfather Astrolink's request to perform TT&C in specified extended C-band frequencies, which was filed one year prior to the freeze on applications in the 3650-3700 MHz band.

Astrolink is a Ka-band satellite venture of Liberty Media, Lockheed Martin Global Telecommunications, Telespazio and TRW. Together, these leading telecommunications companies have committed $1.33 billion, substantially all the company's total investment-equity goal, to deploy the Astrolink System. Astrolink began construction of its first four satellites in July 1999, and since that time has spent hundreds of millions of dollars on system construction.

In December 1997, Astrolink requested authority to utilize extended C-band frequencies for TT&C operations of the Astrolink System.[1] It was understood from the outset that there

[1] *See* Application for Authority to Modify the Astrolink System Authorization, File No. SAT-MOD-19971222-00220 (filed December 22, 1997) (requesting authority to use extended C-band TT&C frequencies from no more than two earth stations located in the United States). Astrolink recently amended this application to clarify the specific frequencies requested and that it will only operate a single TT&C earth station in the United States at a site near Colorado Springs, Colorado. *See* Amendment to Astrolink Modification Application, File No. SAT-AMD-20000801-00116 (filed August 1, 2000).

would be an earth station application associated with Astrolink's use of extended C-band TT&C spectrum. In December 1998, however, one year after Astrolink's request, the Commission imposed a freeze on applications for new U.S. earth stations operating in the 3650-3700 MHz band.[2] Since then, based on consultations with the staff and the need to implement its Ka-band satellite system in the near future, Astrolink proceeded with system development and construction based on extended C-band TT&C functions.

Astrolink has requested FCC authority to receive two 600 kilohertz telemetry carriers with center frequencies at 3697 and 3699 MHz at a single U.S. earth station. Not only will the earth station operate in a small amount of spectrum, it will utilize frequencies very near the band edge of 3700 MHz. Thus, the vast majority of spectrum in the 3650-3700 MHz band in the geographic area near the earth station will be entirely unaffected by Astrolink's proposed TT&C operations.[3] Moreover, the TT&C facility will be located in rural and sparsely populated site approximately 12 miles from downtown Colorado Springs, Colorado. Finally, because the TT&C earth station will only *receive* narrowband telemetry signals in the specified frequencies, it will cause no interference to other users of the 3650-3700 MHz band.[4] In light of these factors, protected operation of this TT&C earth station would have a negligible impact on future terrestrial use of the band.

Permitting Astrolink to perform TT&C operations in requested extended C-band spectrum is essential to implementation of the Astrolink System. Use of these frequencies would ensure system reliability, lower satellite construction and operational costs, and enable early deployment of this global broadband satellite network. In addition, Astrolink is the only U.S. satellite operator that requested FCC authority to use specific extended C-band spectrum for TT&C operations prior to the freeze on applications in the 3650-3700 MHz band. Thus, accommodating Astrolink's limited request to operate TT&C downlinks in a small portion of the extended C-band at a single earth station would not result in widespread satellite use of these frequencies or otherwise undermine future terrestrial use of the band. Indeed, in the more than

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[2] *See* Amendment of the Commission's Rules with Regard to the 3650-3700 MHz Government Transfer Band, *Notice of Proposed Rule Making and Order*, ET Docket No. 98-237 (rel. Dec. 18, 1998). Recently, this freeze was partially lifted for new earth stations located within 10 miles of existing earth stations operating in the extended C-band. *See* Amendment of the Commission's Rules with Regard to the 3650-3700 MHz Government Transfer Band, *Memorandum Opinion and Order*, ET Docket No. 98-237 (rel. May 22, 2000).

[3] Astrolink's preexisting request to use a small amount of extended C-band spectrum for TT&C functions stands in stark contrast to recent requests by other satellite operators to use the entire 3650-3700 MHz band for FSS service links.

[4] Regarding the possibility of harmful interference into the TT&C earth station's receive antenna, the technical parameters of the earth station minimize its susceptibility to harmful interference from terrestrial users of the band. The TT&C earth station will use an 11-meter antenna with a very narrow beamwidth, and will perform on-station TT&C functions for the Astrolink satellite at 97°W at a fixed azimuth and elevation angle of approximately 44.1 degrees. These factors will suppress off-axis harmful interference from terrestrial stations operating near ground level.

two and a half years that Astrolink's request has been pending, no objections have been filed by either terrestrial or satellite operators.[5]

The FCC has recognized on numerous occasions that promoting new technologies and competition in the broadband telecommunications market strongly serves the public interest. Permitting Astrolink to use the requested extended C-band TT&C frequencies will promote the provision advanced broadband services to businesses and consumers in the United States and around the world. Accordingly, Astrolink respectfully requests that any action taken by the Commission in ET Docket No. 98-237 should grandfather and thereby accommodate immediate grant of Astrolink's request to utilize a small amount of extended C-band spectrum to perform TT&C functions for the Astrolink satellite to be deployed at 97°W from a single earth station located near Colorado Springs, Colorado.

Respectfully submitted,

Carlos M. Nalda
Counsel for Astrolink International LLC

cc: Tom Tycz
Ron Repasi
Rodney Conway
Jennifer Gilsenan
Karl Kensinger

[5] Most recently, the Commission placed the amendment to Astrolink's modification application on public notice. *See* Public Notice, Report No. SAT-00054 (Sept. 1, 2000). Only one party, PanAmSat Corporation, filed comments in the application proceeding. PanAmSat noted that it "is coordinating with ASTROLINK, and is optimistic that a technical solution can be reached," but "asks that the Commission condition any grant of the application on coordination with PanAmSat." *See* Letter from Joseph A. Godles to Magalie R. Salas, File No. SAT-AMD-20000801-00116 (Oct. 2, 2000). It is important to note, however, that PanAmSat's coordination concerns relate to extended C-band uplink frequencies in the 6400 MHz band, rather than the downlink frequencies at issue here.